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September 5, 2002

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Communication in CS Docket Nos. 98-120,  
00-96 & 00-2

Dear Ms. Dortch:

On September 4, 2002, Jon Blake and Ellen Goodman of Covington & Burling; Michael Berg of Shook, Hardy & Bacon L.L.P.; and Doug Macrae of VideoGuide, Inc., on behalf of Gemstar-TV Guide International, Inc. ("Gemstar"), met separately with Catherine Bohigian, Legal Advisor to Commissioner Martin, and Alexis Johns, Legal Advisor to Commissioner Capps, to discuss what constitutes "program-related material" in the digital context. On September 5, 2002, Jon Blake and Amy Levine of Covington & Burling, Michael Berg, and Doug Macrae met with Commissioner Abernathy; her Senior Legal Advisor, Bryan Tramont; and Curtis Stamp, Intern to Commissioner Abernathy, regarding the same issue and distributed the attached handout.

We discussed how best to determine what constitutes "program-related material" in the digital context and why EPGs should fall within the scope of what is program-related. The Commission has full authority, and a great opportunity, to interpret program-relatedness in a way that makes sense for, and facilitates the development of, digital technologies, including EPGs. A flexible approach to determining what counts as "program-related material" is consistent with the intent of the Commission at the time it adopted the *WGN* test as guidance. It is also consistent with the *WGN* decision and the 1992 Cable Act and will benefit consumers by allowing them to take advantage of innovative new technologies with the potential to greatly enhance the viewing experience.

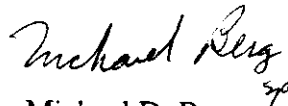
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Ms. Marlene H. Dortch

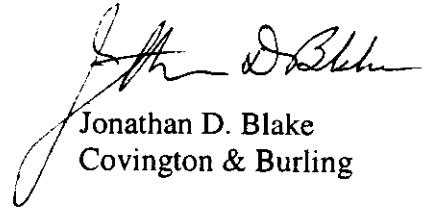
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Sincerely,



Michael D. Berg  
Shook, Hardy & Bacon L.L.P.



Jonathan D. Blake  
Covington & Burling

*Counsel to Gemstar-TV Guide International, Inc.*

Attachment

cc: Commissioner Kathleen Q. Abernathy  
Mr. Bryan Tramont  
Ms. Alexis Johns  
Ms. Catherine C. Bohigian